

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SHEILA SIMMONS and MARIE
LAUTURE,

Plaintiffs,

-against-

SUNCo CAPITAL, LLC, d/b/a, ATTYX
LLC; ATTYX NEW YORK LLC; SOLAR
MOSAIC, LLC; and ENERBANK USA,

Defendants.

Case No.: 1:24-cv-07129-ARR-LB

**SUPPLEMENTAL DECLARATION OF DEVON TREECE IN SUPPORT OF
DEFENDANTS SOLAR MOSAIC LLC'S AND WEBBANK'S MOTION TO COMPEL
ARBITRATION AND STAY PROCEEDINGS**

I, Devon Treece, declare as follows:

1. I am the Vice President of Servicing and Loss Mitigation for Solar Mosaic LLC ("Mosaic"). In my role, I am familiar with Mosaic's platform and loan agreements and I am fully familiar with this matter and am authorized to make this Supplemental Declaration. I have personal knowledge of the facts stated in this declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. The records attached hereto were kept by Mosaic in the regular course of business; it was the regular course of business of Mosaic for an employee or representative of Mosaic, with knowledge of the act, event or condition recorded, to make the record or to transmit information thereof to be included in such record; and the record was made at the time of the date appearing on the record.

3. On October 10, 2023, Mosaic utilized DocuSign to send a link to a Home Improvement Loan Package, which contained a copy of Plaintiff Sheila Simmons' Loan Agreement, to the email address shebasimmons1216@yahoo.com.

4. To access the Loan Agreement via DocuSign, someone had to have accessed Plaintiff's Yahoo email account, opened the email from DocuSign, and clicked on the "Review Document" link.

5. Once a user clicks the "Review Document" link and is directed to the DocuSign platform where the Loan Agreement is hosted, the user will be prompted to agree to the Electronic Record and Signature Disclosure. To start the signing process, the user must click the "Start" button.

6. DocuSign allows recipients to scroll through the Loan Agreement to review its contents before proceeding to sign. DocuSign will then guide the user through the Loan Agreement to the areas that require signatures or initials. When a user reaches a signature field, they can choose from pre-selected signature styles or draw their own signature. Once selected, the user can click "Adopt and Sign" to apply the signature.

7. After completing the required fields, the user can then click on the "Finish" button. This action finalizes the signing process and sends a confirmation email with a link to download the completed Loan Agreement to all relevant parties at the same email address that was utilized to sign the document.

8. The DocuSign Certificate of Completion indicates that the Home Improvement Loan Package was sent to shebasimmons1216@yahoo.com on October 10, 2023, and was "Signed using mobile" and a pre-selected style signature. When using a pre-selected style

signature, a customer does not need to physically draw a signature. The customer can adopt the pre-selected signature by clicking a “sign” button. A copy of the Certificate is attached as **Ex. C**.

9. Mosaic’s records dated October 10, 2023, also show that during the loan application process, Plaintiff provided her email (shebasimmons1216@yahoo.com), the last four digits of her social security, her birthdate, and her phone number. This was the same information that she provided on her Welcome Call. A copy of Mosaic's records are attached as **Ex. D**.

10. On or about November 17, 2023, Mosaic sent Plaintiff a Loan Closing Certificate, which included her loan amount (\$72,100.00), monthly payment amount (\$558.32), term (25 years), and APR (7.24%). A copy is attached as **Ex. E**.

11. Thereafter, on November 22, 2023, Plaintiff called Mosaic stating the solar installation project was incomplete and that she was not satisfied with the work. Plaintiff advised Mosaic that she got in touch with SUNco and would give them time to resolve the issue. Plaintiff did not address the Loan Agreement or its terms during this call. See **Ex. D**.

I declare under penalty of perjury under the laws of the United States that the facts stated by me in this declaration are true and correct.

Executed on this 27th day of February, 2025, at Alameda, California.

DocuSigned by:
Devon Treece
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DEVON TREECE